ORDIANCE NUMBER 1

106918

SERIES 1980

AN ORDINANCE FOR THE DISPOSAL OF IMPOUNDED, RECOVERED OR DEPOSITED PERSONAL PROPERTY: REPEALING ORDINANCE NO 18, SERIES 1974; REPEALING ORDINANCE NO 3, SERIES 1956; AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN AS FOLLOWS:

Section 1: DEFINITION.

(1) "Abandoned" shall mean left unclaimed with the City of Elgin for a period exceeding thirty (30) days.

(2) "City" shall mean the City of Elgin.

(3) "Costs" shall mean the expenses of removing, storing, selling and protecting an item of personal property.

(4) "Chief of Police" includes any authorized law enforcement officer of the City.

(5) "Owner" shall mean any individual, firm, corporation or unincorporated association with a claim of ownership or of any interest, legal or equitable, in any item of personal property.

(6) "Vehicle" shall mean every device, except bicycles, in, upon, or by which any person or property is or may be transported, driven, or drawn upon a public highway.

Section 2: APPLICATION OF ORDINANCE. This Ordinance shall apply to all personal property impounded, recovered, or deposited with the City of Elgin, and shall include property now, or hereafter in custody of the City.

Section 3: RECORDS TO BE MAINTAINED BY CITY. When personal property of any nature is deposited, impounded, recovered or otherwise comes into the possession of the City of Elgin, except items seized as evidence, the City shall record a description of the property, the date of its reception, and any identifying characteristics. Items seized as evidence shall be tagged and stored according to the rules and regulations adopted by the Chief of Police.

Section 4: DISPOSITION OF VEHICLES.

(1) It shall be the duty of the Police Department, whenever a vehicle is left upon the streets or alleys in the same position for a period exceeding forty-eight (48) hours to:

(a) Make an investigation to determine the owner and request removal of the vehicle; or

(b) Failing to discover the owner by such a process, to make a diligent inquiry as to the name and address of the owner of the vehicle by examining such vehicle for license number, identification number, make, style and other information which will aid in the identification of the ownership of the vehicle, and transmitting all available information pertaining to such vehicle to the Motor Vehicles Division of this State with an inquiry for the name and address of the owner, whenever such vehicle is required by law to be registered with the office.

(c) If the owner is not identified, to place a notice upon the windshield, or some other part of the vehicle easily seen by the passing public.

(2) The notice shall state that the Police Department will remove and impound the vehicle under the provisions of this ordinance, forty-eight (48) hours after the time of posting, unless:

(a) The owner removes the vehicle; or

(b) Good cause is shown, satisfactory to the Chief of Police, why such vehicle should not be removed by the owner or removed and impounded by the City.

Section 5: IMPOUNDING NUISANCE.

(1) An abandoned vehicle which remains in the same position for a period of forty-eight (48) hours after an owner has been requested to remove it or after a notice to the owner has been posted upon the vehicle, no person has appeared to show good cause why the vehicle should not be moved, shall constitute a nuisance.

(2) It shall be the duty of the Police Department to remove a vehicle which constitutes a nuisance under the provisions of this ordinance, store the vehicle and dispose of it pursuant to the provisions of this ordinance.

(3) After impoundment, the Chief of Police shall cause the vehicle to be appraised.

Section 6: SALE OF VEHICLES HAVING A VALUE LESS THAN $100.

(1) If the vehicle is appraised at $100 or less, the Chief of Police shall file with the Department of Motor Vehicles an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, and stating that the vehicle will be junked or dismantled. The Chief of Police shall state that notice of intent to junk or dismantle a vehicle has been sent with notification of the location of the vehicle to the owner, or that a diligent search has been made to find the owner and it has not been successful.

(2) Upon completion and forwarding the affidavit and an expiration of a period of fifteen (15) days, the Chief of Police may without notice of public auction, dispose of the vehicle and execute a certificate of sale in the form provided by this ordinance.

Section 7: NOTICE TO OWNER OF RECEIPT OF PROPERTY BY THE CITY. If the name and residence of the owner of the impounded, recovered or deposited personal property is known to the City, a notice shall immediately be sent to the owner containing the following information:

(1) A description of the property.

(2) Identifying characteristics of the property that would indicate that the person receiving the notice is the owner.

(3) Reasons for the item of personal property being in the custody of the City.

(4) A statement that if the property is not reclaimed within thirty (30) days it will be sold, expenses of towing, storage, sale, and administration deducted from the sale price and the balance remitted to the recorder-treasurer.

Section 8: RIGHT OF CITY TO SELL PRPERTY. If personal property retained by the City is not claimed and taken away within thirty (30) days after the date it was received, the property shall be sold in the manner provided for in this ordinance. All items of personal property, except vehicles having a value of less than $100, shall be sold at public auction.

Section 9: NOTICE OF SALE. If the name and residence of the owner is not known, a notice shall be published in a newspaper published in Union County containing a description of the property, and a statement that the property shall be sold at public auction, along with the date of the auction. The notice provided for herein shall be published twice in a newspaper published in Union County, and the last publication shall be at least ten (10) days prior to the sale date.

Section 10: PERSONAL PROPERTY SALE PROCEDURES.

(1) If no claim has been made before the time set for the sale of the personal property, the Chief of Police shall, at the time appointed, within view of the property to be sold, offer the property for sale to the highest bidder for cash. If no bids are received for an item of property, the Chief of Police may dispose of it in his discretion without the necessity of taking further bids.

(2) On the consummation of a sale, the Chief of Police shall make, execute and deliver on behalf of the City, a bill of sale signed by himself as Chief of Police, conveying the property in question to the purchaser, and delivering possession of the property to the purchaser.

(3) The sale and conveyance shall be without redemption. The proceeds of this sale shall be first applied upon storage, towing bills, publication fees and other costs of the keeping and sale, the balance shall go to the general fund of the City.

(4) The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of ordinance no_____ Series 1980, entitles An Ordinance for the Disposal of Impounded, Recovered, or Deposited Personal Property; I did on the _____day of _____, 198___, sell to _____for the sum of $_____cash , the following described personal property:

(Description of Property)

In consideration of the payment of the said sum of $_____ receipt whereof is herby acknowledged, I have this day delivered to said purchaser the foregoing property.

DATED this _____day of _____198__, at Elgin, Oregon

_____

City of Elgin

NOTE: The City of Elgin assumes no responsibility as to the condition of title of the above-described property. In case this sale for any reason be invalid, the liability of the City is limited to the terms of the purchase price.

(5) Upon completion of the sale provided for in this ordinance, the Chief of Police shall deliver the proceeds of the sale, with an itemized statement of the costs of the sale, administration and storage charges, to the City recorder-treasurer.

Section 11: ORDINANCES REPEALED: Ordinance number 18, Series 1974 and Ordinance number 3, Series 1956, are repealed.

Section 12: EMERGENCY CLAUSE.

Passed by the Council and approved by the Mayor May 13, 1980.

ATTEST: _____

City Recorder

_____

Mayor

166916

STATE OF OREGON
County of Union } ss.

I certify that the within instrument of writing was received for record on the 18th day of Nov. 1980 at 8:30 o'clock A. M., and recorded on page ____ in book ____ Record of Deeds of said County.

SHIRLEY L. BOYD, County Clerk
By Barbara C. Baker, Deputy